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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,813	06/05/2000	Bradley L. Northman	GEN10 P-318A	8719

28469 7590 12/31/2003

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EXAMINER

SHAHER, RICKY D

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,813

Applicant(s)

NORTHMAN ET AL

Examiner

Ricky D. Shafer

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2, 3, 7 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5 and 8-19 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 05 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15. 6) ☐ Other: _____

Art Unit: 2872

1. Applicant's election of group III (claims 4-6) in Paper No. 17 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 2, 3, 7 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 17.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 8-19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification, as originally filed, fails to provide an enabling disclosure as to how to make and/or use "the indicia panel including an opaque region and a plurality of substantially non-opaque regions defining a plurality of indicia symbols" and "a baffle subassembly disposed between said light sources and said indicia panel such that...said first and second indicia symbols".

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2872

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gallmeyer ('565).

Gallmeyer discloses a mirror assembly comprising a housing (16), a mirror subassembly (11) including a reflector layer (50) with a portion (12a-12d) defining an opening, an indicia panel (110) covering the opening and configured to form a visual display having a characteristic color and at least one light source (72, 74, 76, 78) positioned in the housing to pass light through the indicia panel and the opening of the mirror assembly to selectively illuminate the visual display, note figures 1 and 4-6 along with the associated description thereof, wherein the at least one light source inherently emits light matched in color to the characteristics color of the visual display of the indicia panel due to the fact that the at least one light source includes "white light" which is known to comprise a variety of different colors which would inherently match a selected color of the indicia panel in order for the display to be visible. See Column 7, line 60 to column 8, line 35.

7. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts ('409).

Roberts discloses a mirror assembly comprising a housing (50), a mirror subassembly (110) which includes a reflector layer [(111) that portion of the mirror which reflects a broad spectral band of visible light such that a driver of a vehicle is capable of viewing objects to the

Art Unit: 2872

side and/or rear of said vehicle] with a portion (114) defining an opening for passing a narrow band of electromagnetic radiation, an indicia panel [that portion of the mirror which covers the opening and is configured to form a visual display having a characteristic color] and at least one light source (70) positioned in the housing to pass light through the indicia panel and the opening of the mirror assembly to selectively illuminate the visual display, note figures 5-7 along with the associated description thereof, wherein the at least one light source emits light matched in color to the characteristics color of the visual display of the indicia panel. See Column 7, line 49 to column 9, line 59 and column 13, line 13 to column 14, line 51.

8. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Proper antecedent basis for the indicia panel including an opaque region and a plurality of substantially non-opaque regions defining a plurality of indicia symbols and a baffle subassembly disposed between said light sources and said indicia panel such that...said first and second indicia symbols, as recited in claim 8. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: .

Art Unit: 2872

10. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the baffle subassembly disposed between said light sources and said indicia panel must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

11. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Reference numeral 131', shown in Figures 14 and 16, and reference numerals 116A, 120A, 170A, 192A, 193A, 194A and 195A, shown in Fig. 26, each lack a proper written description. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

12. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference numerals 115A, 121A and 122A, disclosed on page 20 and 21 of the specification, have not been illustrated. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Application/Control Number: 09/586,813

Page 6

Art Unit: 2872

13. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (703) 308-4813.

RDS

December 28, 2003

R.D. Shafer
RICHARD D. SHAFER
PATENT ATTORNEY
ART UNIT 2872